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11
12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 TIFFANI RINZEL,

Civil No. 1:22-cv-00143-DJC-GSA

15 Plaintiff,

16 vs.

17 COMMISSIONER OF SOCIAL SECURITY,

18 Defendant.
19
STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES PURSUANT
TO THE EQUAL ACCESS TO JUSTICE ACT,
28 U.S.C. § 2412(d)

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
22 amount of SEVEN THOUSAND, FIVE HUNDRED DOLLARS AND ZERO CENTS
23 (\$7,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount
24 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
26 the matter of Plaintiff's assignment of EAJA fees to counsel Jonathan O. Pena (Counsel).
27 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will
28

1 depend on whether the fees are subject to any offset allowed under the United States Department
2 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
3 determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
6 be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments
7 made shall be delivered to Counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
10 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
11 bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's law firm and
12 associates, may have relating to EAJA attorney fees in connection with this action.

13 This award is without prejudice to the rights of Counsel to seek Social Security Act
14 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
15

16 Respectfully submitted,

17 Dated: May 27, 2025

PENA & BROMBERG, PLC

18 By: /s/ Jonathan O. Pena*
19 JONATHAN O. PENA
Attorneys for Plaintiff
20 [*As authorized by e-mail on May 27, 2025]

21 Dated: May 28, 2025

MICHELE BECKWITH
Acting United States Attorney
MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7

22 By: /s/ Margaret Branick-Abilla
23 MARGARET BRANICK-ABILLA
Special Assistant United States Attorney
24 Attorneys for Defendant
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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: May 28, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE